

FILED
U.S. DISTRICT COURT
NORTHERN DIST. OF TX.
FT. WORTH DIVISION

2014 DEC 30 AM 10:18

CLERK OF COURT

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

THE STARR CONSPIRACY, LLC,

Plaintiff,

v.

GLOBAL HR RESEARCH,

Defendant.

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Case No. 4:14-CV-00101-A

MOTION FOR LEAVE TO TAKE THE ORAL DEPOSITION OF CASEY CHESHIER

Global HR Research (“GHRR”) files this Motion for Leave to Take the Oral Deposition of Casey Cheshier (the “Motion”) in accordance the Federal Rules of Civil Procedure, the Local Rules of the United States District Court for the Northern District of Texas, and the Orders and Rules of this Court.

I.
MOTION

GHRR respectfully request this Court grant it leave to take the oral deposition of Casey Cheshier under Federal Rules of Civil Procedure 26 and 30, because good cause exists to allow this deposition beyond the Court-imposed discovery deadline. [Dkt. 23 ¶ 3]. GHRR’s delay in filing this Motion was due to the Christmas holiday and travel by GHRR’s attorneys during the week of December 15th through the 19th.

II.
SUPPORTING FACTS

Casey Cheshier is a former employee of The Starr Conspiracy. GHRR first sought to depose Casey Cheshier on November 12, 2014. It was not until a few days before Thanksgiving—November 21, 2014—that GHRR was informed that Casey Cheshier was no

longer with the company. Casey Cheshier was the account executive who handled the relationship between GHRR and The Starr Conspiracy and was the interface between the two companies. During his deposition, Bret Starr was not able to answer a number of crucial questions about the dealings between GHRR and The Starr Conspiracy because he was not prepared to testify on a substantial number of topics laid out in GHRR's deposition notice. Bret Starr's failure to adequately prepare as a corporate representative is likely due to Casey Cheshier's departure from The Starr Conspiracy and his inability to acquire the necessary information resulting from her departure. Bret Starr's deposition did elucidate that the answers to GHRR's deposition questions were known to Casey Cheshier and that her knowledge of the events and interactions giving rise to this lawsuit are firsthand. GHRR did not appreciate the importance of Casey Cheshier's testimony to its defense until the conclusion of Bret Starr's deposition, which occurred around 8:30 p.m. on December 12, 2014.

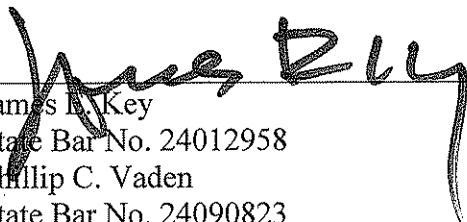
At the conclusion of Bret Starr's deposition, GHRR recognized that it would need to depose Casey Cheshier regarding the inner workings of the Retained Services Agreement ("RSA") between GHRR and The Starr Conspiracy and the scope of services to be provided. Casey Cheshier's testimony is relevant to refute The Starr Conspiracy's assertions regarding the RSA and GHRR's awareness of the same. GHRR will be prejudiced if it is not allowed to depose Casey Cheshier because her testimony is critical to GHRR's defense and the information sought cannot be obtained from any other source.

This Motion is not for delay. GHRR does not believe that any delay of trial will occur as a result of this deposition. If leave is granted, Casey Cheshier's deposition will be conducted in mid-to-late January 2015, in Fort Worth, Texas, and will not interfere with or delay the trial date set by the Court.

III.
CONCLUSION AND PRAYER

WHEREFORE, PREMISES CONSIDERED, GHRR respectfully requests that the Court grant its Motion for Leave to Take the Oral Deposition of Casey Cheshier in order to avoid prejudice and so that justice may be done.

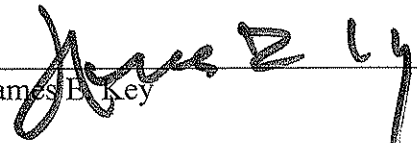
Respectfully submitted,



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GLOBAL HR RESEARCH

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this instrument was served upon the attorneys of record of all parties to this cause in accordance with the Federal Rules of Civil Procedure on December 30, 2014.



James B. Key